UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,821	03/31/2004	Yuichi Ichikawa	9683/184	5312

27879 7590 08/01/2008

INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS, IN 46204-2033

EXAMINER	
CAMPOS, YAIMA	
ART UNIT	**PAPER NUMBER**
2185	

MAIL DATE	DELIVERY MODE
08/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/814,821	ICHIKAWA ET AL.	
	Examiner	Art Unit	
	YAIMA CAMPOS	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6,8-11,13-16,18-21,25,26,28-33 and 35-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6, 8-11, 13-16, 18-21, 25-26, 28-33, 35-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/6/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. As per the instant application having Application No. 10/814,821, the examiner acknowledges the applicant's submission of the amendment dated May 23, 2008. At this point, claims 6, 8-11, 13-16, 18-21, 25-26, 28-33 and 35-38 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2008 has been entered.

ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT

3. As required by **M.P.E.P. 609(C)**, the applicant's submission of the Information Disclosure Statement dated February 6, 2008 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 6, 10-11, 25-26, 28 and 35-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks (US 2004/0015965) in view of Crawford (US 7,080,51).

6. As per **claims 6 and 11**, Sparks discloses A communication device comprising:

operation input means for receiving a request command from a user that requests transmission of contents; means for temporarily storing data; **["on user command, the system copies necessary files… to a temporary directory on the user's disk" (par. 0012)]**

content storage means composed of nonvolatile memory; **[user's computer, which is well known in the art to comprise non-volatile memory (pars. 0013-0020)]**

and a processor receives said transmitted contents and storage control information associated with said contents; **[computer (pars. 0019-0020)]**

said processor, in response to receipt of said contents writes said contents only in said means for temporarily storing data when said storage control information is indicative that said contents are for trial use and should be stored temporarily, or writes said contents in said content storage means when said storage control information is indicative that said contents should remain stored in said communication device; **["demonstration configuration data" (pars. 0019-0020) wherein demonstration data is temporarily stored in temporary directory (pars. 0013-0022)]**

said processor, after said contents are stored in said means for temporarily storing data, processes or executes said contents automatically for trial use, absent receipt of any

command initiated by a user; **["demonstration configuration data" wherein "a demonstration program configured to automatically load and execute the middleware program and server program on a single computer and to temporarily store the demonstration configuration data on the computer in a working middleware system… the demonstration system is preferably further configured to reverse all durable changes to the computer on completion of the demonstration" (pars. 0019-0022)]**.

Sparks does not disclose expressly and said processor, in accordance with said storage control information associated with said contents, and in response to receipt of a store command initiated by said user with said means for receiving a request command from a user, reads said contents from said means for temporarily storing data, and writes said contents in said content storage means.

Crawford discloses means for temporarily storing data; content storage means composed of nonvolatile memory; wherein, in response to receipt of said contents writes said contents only in said means for temporarily storing data when said storage control information is indicative that said contents are for trial use and should be stored temporarily, or writes said contents in said content storage means when said storage control information is indicative that said contents should remain stored in said communication device; a processor, in accordance with said storage control information associated with said contents, and in response to receipt of a store command initiated by said user with said means for receiving a request command from a user, reads said contents from said means for temporarily storing data, and writes said contents in said content storage means as **["virtual disk" (*which corresponds to means for temporary***

***storage*) (col. 19, lines 24-47) "execute-only access" which "loads directly into the customer computer or replica server memory without creating an intermediate disk copy. Upon paying a fee, the user is granted copy access to permit downloading the file only the customer computer local mass storage (*which corresponds to content storage means*)" (col. 8, lines 50-59) wherein "software demonstrations of the programs… can be made… execute-only virtual disks… if payment is not received within a specified period, the virtual disk can be deleted. Upon receipt of payment, the temporary virtual disk ownership can be transferred to the customer for complete access" (col. 30, line 55-col. 31, line 18) wherein when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) wherein customer control data identifies customer access allowed, payment information, and service limitations (col. 47, line 62-col. 48, line 40)]**.

Sparks and Crawford are analogous art because they are from the same field of endeavor of computer memory access and control.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the communication device in which trial/demonstration data is temporarily stored in user's computer and automatically executed, as taught by Sparks and further enable the computer user to store this data in permanent user storage from temporary storage if the user chooses to do so, as taught by Crawford.

The motivation for doing so would have been because Crawford's teaching would have allowed Sparks to efficiently distribute software by providing software demonstrations to a user and efficiently charge the user in case the user decides to

download the software to his/her personal computer **[(col. 8, lines 50-60; col. 14, line 9-13)]**.

Therefore, it would have been obvious to combine Sparks with Crawford for the benefit of creating a communication device to obtain the invention as specified in claims 6 and 11.

7. As per claim 10, the combination of Sparks and Crawford discloses The communication device of claim 6, wherein said processor is deletes said contents that were stored in said means for temporarily storing data when said processor exits said contents that were being processed or executed by said processor **[Sparks discloses "the demonstration system is preferably further configured to reverse all durable changes to the computer on completion of the demonstration" (pars. 0021-0022)]**.

8. As per claim 25, the combination of Sparks and Crawford discloses A communication device according to Claim 6, wherein said processor denies said contents from being read from said means for temporarily storing data and written in said content storage means in response to indication with said storage control information that said contents are not storable in said communication device **[Crawford discloses "if payment is not received within a specified period, the virtual disk can be deleted. Upon receipt of payment, the temporary virtual disk ownership can be transferred to the customer for complete access" (col. 30, line 55-col. 31, line 18) wherein "upon paying a fee, the user is granted copy access to permit downloading the file only the customer computer local mass storage (*which corresponds to content storage means*)" (col. 8, lines 50-59)]**.

9. As per claim 26, the combination of Sparks and Crawford discloses A communication device according to Claim 6, wherein said processor-writes said contents into said content storage means in response to indication with said storage control information that said contents can be stored in said communication device **[The rationale in the rejection to claim 25 is herein incorporated]**.

10. As per claim 28, the combination of Sparks and Crawford discloses The computer readable storage medium program of Claim 11, wherein said content using process is executed to delete said contents stored in said means for temporarily storing content, and said second writing process is not executed in response to indication with said storage control information that said contents are for trial use only **[Sparks discloses "the demonstration system is preferably further configured to reverse all durable changes to the computer on completion of the demonstration" (pars. 0021-0022). Crawford discloses "if payment is not received within a specified period, the virtual disk can be deleted. Upon receipt of payment, the temporary virtual disk ownership can be transferred to the customer for complete access" (col. 30, line 55-col. 31, line 18) wherein "upon paying a fee, the user is granted copy access to permit downloading the file only the customer computer local mass storage (*which corresponds to content storage means*)" (col. 8, lines 50-59)]**.

11. As per claim 35, the combination of Sparks and Crawford discloses A communication device according to Claim 6, wherein said processor awaits receipt of said store command initiated by said user of said communication device before said contents are read from said means for temporarily storing data, and said contents are written in said content storage means **[Crawford discloses "software demonstrations of**

the programs… can be made… execute-only virtual disks" (col. 30, line 55-col. 31, line 18) "when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) wherein customer control data identifies customer access allowed, payment information, and service limitations (col. 47, line 62-col. 48, line 40)].

12. As per claim 36, the combination of Sparks and Crawford discloses The computer readable storage medium program of Claim 11, wherein said second writing process is further executed to await receipt of said store command from said user of said communication device before being executed to write said contents in said content storage means after said contents are read from said means for temporarily storing content **[Crawford discloses "software demonstrations of the programs… can be made… execute-only virtual disks" (col. 30, line 55-col. 31, line 18) "when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) upon paying a fee, the user is granted copy access to permit downloading the file only the customer computer local mass storage (*which corresponds to content storage means*)" (col. 8, lines 50-59)]**.

13. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable Sparks (US 2004/0015965) in view of Crawford (US 7,080,51) as applied to claim 6 above, and further in view of Wong et al. (US 2004/0111443).

14. As per **claim 8**, the combination of Sparks and Crawford discloses discloses a communication device according to Claim 6, **[See rejection to claim 6 above]** but does not disclose expressly "said processor determines whether a size of a free space of said

content storage means is equal to, or greater than, a data size of said contents stored in said means for temporarily storing data; and in response to said size of said free space of said content storage means being equal to, or greater than, said data size of said contents stored in said means for temporarily storing data, said processor writes said contents processed or executed by said processor in said content storage means after reading said contents from said means for temporarily storing data."

Wong discloses the concept of "said processor determines whether a size of a free space of said content storage means is equal to, or greater than, a data size of said contents stored in said means for temporarily storing data; and in response to said size of said free space of said content storage means being equal to, or greater than, said data size of said contents stored in said means for temporarily storing data, said processor writes said contents processed or executed by said processor in said content storage means after reading said contents from said means for temporarily storing data" as **[a process for writing an object to main memory by a cache controller wherein "cache controller 44 first determines whether the object to be written can fit in the buffer 62" (Columns 5-6, paragraph 0060)] "if the object fits in the object buffer 62, the object is written to object buffer 62" (Columns 5-6, paragraph 0060)]**.

Sparks, Crawford and Wong are analogous art because they are from the same field of endeavor of computer memory management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the content trial system which first stores contents in a temporary storage and then transfers these contents to a content storage as described by

the combination of Sparks and Crawford, and determine if there is enough space in a content storage before transferring data to this content storage as taught by Wong.

The motivation for doing so would have been because Wong teaches that determining whether there is enough free space in memory before transferring data **["increases caching performance of persistent memory" (Column 1, paragraph 0003) and prevents system crashes as when there is not enough space in memory, the system prevents writing new objects to memory]**.

Therefore, it would have been obvious to combine Wong with Sparks and Crawford for the benefit of creating a content trial system to obtain the invention as specified in claim 8.

15. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable Sparks (US 2004/0015965) in view of Crawford (US 7,080,51) and Wong et al. (US 2004/0111443) as applied to claim 8 above, and further in view of Spencer et al. (US 2003/0014496).

16. As per **claim 9**, the combination of Sparks, Crawford and Wong A communication device according to Claim 8, wherein: in response to said size of said free space of said content storage means being smaller than said data size of said contents stored in said means for temporarily storing data, said processor deletes one or more other contents **[Wong discloses "cache controller 44 purges entries from persistent memory 50 that are older than a particular age, and moves entries buffered in main memory 48 having dates greater than a particular age to persistent memory 50" and explains that "purging entries from persistent memory 50 frees up disk space, and moving entries from main memory 48 frees up buffer space" (Column 5, paragraph 0059)]** but does not disclose expressly "prompts a user to delete one or more other

contents stored in said content storage means; and when, in response to said prompt, a command is received via said operation input means for receiving a request command from a user to delete said one or more other contents stored in said content storage means, said processor is determines if, after deletion of said one or more other contents, said free space of said content storage means will be equal to, or greater than, said data size of said contents, and said processor provides indication thereof to the user."

Spencer discloses the concept of "prompt a user to delete one or more other contents stored in said content storage means; and when, in response to said prompt, a command is received via said operation input means to delete said one or more other contents stored in said content storage means, said processor is further operable to determine if, after deletion of said one or more other contents, said free space of said content storage means will be equal to, or greater than, said data size of said contents, said processor further operable to provide indication thereof to a user." (***Pages 9-10, paragraph 0048 of Applicant's specification identifies this means as "CPU 400"***) as [**a device which downloads files through a computer network (Column 3, paragraph 0027) wherein "download manager 120;" (Figure 1) completes "the instructions for remote management can include instructions to add specific media content to existing media content on the digital playback device, or instructions to remove specific media content from the digital media playback device. The instructions to remove specific media content can be generated in response to a request form a user or be automatically generated" (Column 2, paragraph 0015) and provides and example in which when there is not enough space to download a file, the user is**

asked to delete on or more files residing on the device and the user is able to submit a command to delete selected files (Columns 10-11, paragraph 0084)].

Sparks, Crawford, Wong and Spencer are analogous art because they are from the same field of endeavor of computer memory management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the modify the content trial system which first stores contents in a temporary storage and then transfers these contents to a content storage as described by the combination of Sparks and Crawford, determine if there is enough space in a content storage before transferring data to this content storage as taught by Wong, and further prompt a user to delete contents of a storage device when there is not enough space to store new data as taught by Spencer.

The motivation for doing so would have been because Spencer teaches that a user prompted to delete contents of a storage device when there is not enough space to store new data **[in order to free space when new files must be downloaded to a storage device (Columns 10-11, paragraph 0084)]**.

Therefore, it would have been obvious to combine Spencer with Sparks, Crawford and Wong et al. (US 2004/0111443) for the benefit of creating a content trial system to obtain the invention as specified in claim 9.

17. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable Sparks (US 2004/0015965) in view of Crawford (US 7,080,51) as applied to claim 11 above, and further in view of Yamada et al. (US 2003/0037105).

18. As per **claim 29**, the combination of Sparks and Crawford discloses The program of Claim 11, but does not disclose expressly wherein said receiving process is executed to

receive an application description file as part of said contents, and said computer readable storage medium further comprises code executed as a requesting process to extract an application location identifier from said application description file, and transmit a request for an application that is part of said contents, said application received with said receiving process.

Yamada discloses a receiving process is executed to receive an application description file as part of said contents, and said computer readable storage medium further comprises code executed as a requesting process to extract an application location identifier from said application description file, and transmit a request for an application that is part of said contents, said application received with said receiving process.as **["when storing the received application (a), CPU 11 reads out a storage location of ADF stored in RAM 13 and correlates with the Jar… CPU 11 stores the storage location information of application (a) (that is, storage location of ADF and Jar corresponding to application (a)" (Pars. 0079-0080) wherein "CPU 11 reads out the application (a) that the user designated (when application (a) is a Java application, ADF or JAR) according to the storage location information "EEPROM (#1)"" (Par. 0099)]**.

Sparks, Crawford and Yamada are analogous art because they are from the same field of endeavor of computer memory access and control.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify modify the modify the content trial system which first stores contents in a temporary storage and then transfers these contents to a content storage as described by the combination of Sparks and Crawford and further have receiving process

is operable to receive an application description file as part of said contents, and said program further comprising a requesting process that is executable to extract an application location identifier from said application description file, and transmit a request for an application that is part of said contents, said application received with said receiving process as taught by Yamada.

The motivation for doing so would have been because Yamada discloses **["a Java application is divided into ADF having attributes such as a name of the application, and Jar containing a data body of the application; and ADF and Jar are held in IP server. In the following explanation, unless there is a specific need to distinguish ADF from Jar, they will each be referred to as a Java application. Applications other than Java applications are stored without being divided (Par. 0038)].**

Therefore, it would have been obvious to combine "Yamada with Sparks and Crawford for the benefit of creating a communication device to obtain the invention as specified in claim 29.

19. **Claims 13-16, 19-21, 30-33 and 37-38** are rejected under 35 U.S.C. 103(a) as being unpatentable Sparks (US 2004/0015965) in view of Crawford (US 7,080,51) and Liebrand (US 2005/0044177).

20. As per **claims 13-15**, Sparks discloses A communication device comprising: means for receiving a first command manually input by a user; means for storing contents; a processor to receive contents; **["on user command, the system copies necessary files… to a temporary directory on the user's disk" (par. 0012) wherein user's computer, which is well known in the art to comprise non-volatile memory (pars. 0013-0020)]**

after said contents are received, said processor writes said contents in said means for storing contents in association with a first identifier flag indicating that said contents are to be stored temporarily in said means for storing contents; **["demonstration configuration data" (pars. 0019-0020) wherein demonstration data is temporarily stored in temporary directory (pars. 0013-0022)]**

in response to said contents being written in said means for storing contents, said processor processes or executes said contents automatically for trial use, absent receipt of any command initiated by a user; and **["demonstration configuration data" wherein "a demonstration program configured to automatically load and execute the middleware program and server program on a single computer and to temporarily store the demonstration configuration data on the computer in a working middleware system… the demonstration system is preferably further configured to reverse all durable changes to the computer on completion of the demonstration" (pars. 0019-0022)]**.

Sparks does not disclose expressly said processor stores said contents processed or executed by said processor in response to a second command received from the user via said means for receiving a first command manually input by a user, to store said processor, in accordance with storage control information associated with said contents, and in response to said second command, to exchanges said first identifier flag for a second identifier flag that indicates said contents are to be stored enduringly in said means for storing contents enduringly; nor receiving contents in a wireless network.

Crawford discloses said processor stores said contents processed or executed by said processor in response to a second command received from the user via said means

for receiving a first command manually input by a user, to store said processor, in accordance with storage control information associated with said contents, and in response to said second command, to exchanges said first identifier flag for a second identifier flag that indicates said contents are to be stored enduringly in said means for storing contents enduringly as **["virtual disk" (*which corresponds to means for temporary storage*) (col. 19, lines 24-47) "execute-only access" which "loads directly into the customer computer or replica server memory without creating an intermediate disk copy. Upon paying a fee, the user is granted copy access to permit downloading the file only the customer computer local mass storage (*which corresponds to content storage means*)" (col. 8, lines 50-59) wherein "software demonstrations of the programs… can be made… execute-only virtual disks… if payment is not received within a specified period, the virtual disk can be deleted. Upon receipt of payment, the temporary virtual disk ownership can be transferred to the customer for complete access" (col. 30, line 55-col. 31, line 18) wherein when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) wherein customer control data identifies customer access allowed, payment information, and service limitations (col. 47, line 62-col. 48, line 40) wherein Crawford discloses "software demonstrations of the programs… can be made… execute-only virtual disks" (col. 30, line 55-col. 31, line 18) "when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) wherein customer control data identifies customer access allowed, payment information, and service limitations (col. 47, line 62-col. 48, line 40), w*herein as***

payment is received and service limitations are changed, customer access allowed is changed].

Liebrand discloses an identifier flag to indicates contents are to be stored temporarily or enduringly in a communication device in a wireless network as [**"a mobile web browsing device able to download and store content from a web server over a wireless network, wherein the device is programmed to: (a) regonise a usage definition applied to certain downloadable content, in which the definition prohibits discarding that content from a memory in the device; (b) apply a flag to that content and store that content in combination with the flag in the device memory;" (Par.s 0004-0007) "the content and accompanying definitions are then sent to the device over the cellular network controlled by a network operator… the flag defines how the device uses the content-in particular, defining that the device will not discard that content from memory" (Par. 0008)**].

Sparks, Crawford and Liebrand are analogous art because they are from the same field of endeavor of computer memory access and control.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the communication device in which trial/demonstration data is temporarily stored in user's computer and automatically executed, as taught by Sparks, enable the computer user to store this data in permanent user storage from temporary storage if the user chooses to do so, as taught by Crawford, and further modify the storage control information that indicates customer access as taught by Crawford to include a flag as taught by Liebrand, wherein data transfers taught by Sparks and

Crawford may be done in a wireless network, such as the wireless network taught by Liebrand.

The motivation for doing so would have been because Crawford's teaching would have allowed Sparks to efficiently distribute software by providing software demonstrations to a user and efficiently charge the user in case the user decides to download the software to his/her personal computer **[(col. 8, lines 50-60; col. 14, line 9-13)]** and Liebrand's teaches would have allowed the combination of Sparks and Crawford to for grater mobility and flexibility in providing software demonstrations **[(pars. 0004-0007) and an efficient permanent storage of data (par. 0008)]**.

Therefore, it would have been obvious to combine Sparks with Crawford and Liebrand for the benefit of creating a communication device to obtain the invention as specified in claims 13-15.

21. As per claim 16, the combination of Sparks, Crawford and Liebrand discloses The communication device of Claim 15, wherein the processor exits and automatically deletes the temporarily stored content in response to receipt of a user command to cease execution or processing of the temporarily stored content in the absence of an indication in the storage control information that the temporarily stored content is eligible for storage in the second storage area **[Crawford discloses "software demonstrations of the programs… can be made… execute-only virtual disks… if payment is not received within a specified period, the virtual disk can be deleted. Upon receipt of payment, the temporary virtual disk ownership can be transferred to the customer for complete access" (col. 30, line 55-col. 31, line 18)]**.

22. As per claim 19, the combination of Sparks, Crawford and Liebrand discloses The communication device of Claim 15, wherein the first storage area and the second storage area are assigned areas of the memory **[The rationale in the rejection to claims 13-15 is herein incorporated]**.

23. As per claim 20, the combination of Sparks, Crawford and Liebrand discloses The communication device of Claim 15, wherein the first storage area and the second storage area are identified with a respective predetermined indicator flag included in the data stored in the respective first and second storage areas **[Crawford discloses "software demonstrations of the programs… can be made… execute-only virtual disks" (col. 30, line 55-col. 31, line 18) "when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) wherein customer control data identifies customer access allowed, payment information, and service limitations (col. 47, line 62-col. 48, line 40) wherein customer access allowed identifies memory areas where data may be stored]**.

24. As per claim 21, the combination of Sparks, Crawford and Liebrand discloses The communication device of Claim 15, wherein the processor automatically processes or executes the temporarily stored content to enable a user to demo the temporarily stored content **[Sparks discloses "a demonstration program configured to automatically load and execute the middleware program and server program on a single computer and to temporarily store the demonstration configuration data on the computer in a working middleware system… the demonstration system is preferably further configured to reverse all durable changes to the computer on completion of the demonstration" (pars. 0019-0022)]**.

25. As per claim 30, the combination of Sparks, Crawford and Liebrand discloses The communication device of claim 13, wherein said storage control information is included with said contents received by said processor **[Crawford discloses "software demonstrations of the programs… can be made… execute-only virtual disks" (col. 30, line 55-col. 31, line 18) "when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) wherein customer control data (*which comprises storage control information*) identifies customer access allowed, payment information, and service limitations (col. 47, line 62-col. 48, line 40)]**.

26. As per claims 31, the combination of Sparks, Crawford and Liebrand discloses The communication device of claim 30, wherein said storage control information comprises a predetermined indication of whether the contents can be stored temporarily or enduringly in said means storing contents **[Crawford discloses "software demonstrations of the programs… can be made… execute-only virtual disks" (col. 30, line 55-col. 31, line 18) "when owner is granted complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19) wherein customer control data identifies customer access allowed, payment information, and service limitations (col. 47, line 62-col. 48, line 40).**

27. As per claim 32, the combination of Sparks, Crawford and Liebrand discloses The communication device of claim 13, wherein exchange of said first identifier flag for said second identifier flag comprises modification with said processor of a first predetermined value representative of said first identifier flag to a second predetermined value

representative of said second identifier flag **[The rationale in the rejection to claims 13-15 is herein incorporated]**.

28. As per claim 33, the combination of Sparks, Crawford and Liebrand discloses The communication device of claim 16, wherein said processor, prior to exit and automatic deletion of said the temporarily stored content, prompts said the user to store said the content in said the second storage area only in response to an indication in said content storage information that said the content is indicated as storable long term in said the communication device **[Crawford discloses "if payment is not received within a specified period, the virtual disk can be deleted. Upon receipt of payment, the temporary virtual disk ownership can be transferred to the customer for complete access" (col. 30, line 55-col. 31, line 18) wherein "upon paying a fee, the user is granted copy access to permit downloading the file only the customer computer local mass storage (*which corresponds to content storage means*)" (col. 8, lines 50-59)]**.

29. As per claim 37, the combination of Sparks, Crawford and Liebrand discloses The communication device according to Claim 13, wherein said processor awaits receipt of said second command received via said means for receiving a first command from a user before said contents are stored **[Crawford discloses "software demonstrations of the programs… can be made… execute-only virtual disks… if payment is not received within a specified period, the virtual disk can be deleted. Upon receipt of payment, the temporary virtual disk ownership can be transferred to the customer for complete access" (col. 30, line 55-col. 31, line 18) wherein when owner is granted**

complete access, the owner may download software from virtual disk to local mass storage (col. 71, line 24, col. 72, line 19)].

30. As per claim 38, the combination of Sparks, Crawford and Liebrand discloses The computer readable storage medium of Claim 14, wherein said second writing process is executed to await receipt of a store command received from said user via said means for receiving a command from a user before being executed to store contents processed or executed in said content using process **[The rationale in the rejection of claim 37 is herein incorporated]**.

31. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable Sparks (US 2004/0015965) in view of Crawford (US 7,080,51) and Liebrand (US 2005/0044177) as applied to claim 15 above, and further in view of Wong et al. (US 2004/0111443).

32. As per clam 18, the combination of Sparks, Crawford and Liebrand The communication device of Claim 15, but does not disclose wherein the first storage area is a cache area of the memory, and the processor deletes data from the second storage area only in response to receipt of a user command to delete from the second storage area.

Wong discloses the concept of "the first storage area is a cache area of the memory, and the processor deletes data from the second storage area only in response to receipt of a user command to delete from the second storage area" as **[a process for writing an object to main memory by a cache controller wherein "cache controller 44 first determines whether the object to be written can fit in the buffer 62" (Columns 5-6, paragraph 0060)] "if the object fits in the object buffer 62, the object is written to object buffer 62" (Columns 5-6, paragraph 0060)]**.

Sparks, Crawford, Liebrand and Wong are analogous art because they are from the same field of endeavor of computer memory management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the content trial system which first stores contents in a temporary storage and then transfers these contents to a content storage as described by the combination of Sparks, Crawford and Liebrand, and further have the temporary storage areas be a cache area of the memory, and the processor deletes data from the second storage area only in response to receipt of a user command to delete from the second storage area as taught by Wong.

The motivation for doing so would have been because Wong teaches that determining whether there is enough free space in memory before transferring data **["increases caching performance of persistent memory" (Column 1, paragraph 0003) and prevents system crashes as when there is not enough space in memory, the system prevents writing new objects to memory]**.

Therefore, it would have been obvious to combine Wong with Sparks, Crawford and Liebrand for the benefit of creating a content trial system to obtain the invention as specified in claim 18.

ACKNOWLEDGMENT OF ISSUES RAISED BY THE APPLICANT

Response to Amendment

33. Applicant's arguments filed on May 23, 2008 have been fully considered but are moot in view of the new ground(s) of rejection.

RELEVANT ART CITED BY THE EXAMINER

34. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.

35. The following references teaches a software vending system wherein demonstrations are done prior to receiving a user command to transfer the software to a permanent storage device.

U.S. PATENT NUMBER

US 4674055 A

CLOSING COMMENTS

Examiner's Note

36. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

When responding to this Office Action:

12. Applicant is requested to indicate where in the disclosure support is to be found for any new language added to the claims by amendment. 37 C.F.R. § 1.75(d)(1) requires

such support in the Specification for any new language added to the claims and 37 C.F.R. § 1.83(a) requires support be found in the Drawings for all claimed features.

37. Applicant must clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made, and must also explain how the amendments avoid the references or objections. See 37 C.F.R. § 1.111(c).

a. STATUS OF CLAIMS IN THE APPLICATION

38. The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

39. Per the instant office action, claims 6, 8-11, 13-16, 18-21, 25-26, 28-33 and 35-38 have received a first action on the merits and are subject of a first action non-final.

a(2) CLAIMS NO LONGER UNDER CONSIDERATION

40. Claims 1-5, 7, 12, 17, 22-24, 27 and 34 have been canceled as of amendment received on May 23, 2008.

b. DIRECTION OF FUTURE CORRESPONDENCES

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaima Campos whose telephone number is (571) 272-1232. The examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

42. If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Sanjiv Shah, can be reached at the following telephone number: Area Code (571) 272-4098.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 30, 2008

/Yaima Campos/
Examiner, Art Unit 2185

/Sanjiv Shah/
Supervisory Patent Examiner, Art Unit 2185